

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**VINCENT VARNEY,**

**Plaintiff,**

**v.**

**TERRY COLLINS,**

**Defendant.**

**Case No. 2:09-cv-576  
JUDGE GREGORY L. FROST  
Magistrate Judge Mark R. Abel**

**ORDER**

This matter is before the Court pursuant to the April 1, 2010 Report and Recommendation of the Magistrate Judge (Doc. #17) recommending the denial of the December 17, 2009 motion of Defendant Terry Collins for judgment on the pleadings (Doc. #10). No party has filed objections to this report and recommendation, and Defendants have subsequently moved for summary judgment. Accordingly, upon *de novo* review, this Court **ADOPTS** the Report and Recommendation (Doc. #17) and **DENIES** Defendant Terry Collins' motion for judgment on the pleadings (Doc. #10).

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
**GREGORY L. FROST**  
**UNITED STATES DISTRICT JUDGE**